

29 October 2014

Mr Anthony Jordan
Via email at: fyi-request-2010-ef89ed02@requests.fyi.org.nz

Dear Mr Jordan

Official Information Act Request

I refer to your request of 11 September 2014, seeking information under the Official Information Act 1982 ("the Act"). ACC has dealt with your questions in turn below:

1/ Please provide part of the act that relates to the following.

With reference to the above mentioned e mail, please confirm that given now ACC has Retracted its earlier disclosure and it's been established Dr John Collier did not close his Private Practice in 2008 and remained registered as a Psychiatrist but discontinued to provide services to general public but continues to receive his single source of income by the ACC, has and does this comply with the 'Clinical Psychiatric Services Schedule' and 'Agreement for Services' between ACC and [Vendor] for Organisational Terms and Conditions. In particular drawing your attention to page 1 of 18 in the Master Agreement Schedule 2 (1) 1.1.

In short, whereby an 'Independent Professional' receives their Single Source of income by the ACC and no supplement from 'off the street' individuals, is their Role Considered to comply with the following or another reference not mentioned below:

"The Vendor is an independent contractor, contracted by ACC to provide the Services described in this Agreement. Nothing contained or implied in this agreement shall be construed as creating and neither Party shall state, imply or do anything to suggest, that this Agreement creates an employer/employee partnership or principal /agent relationship between ACC and the Vendor or any of its proprietors, officers, employees or subcontractors."

2/ Is it policy that the ACC, is not to imply or disclose via either public forum or letter the following that could be seen as 'be construed as creating' 'employer/employee partnership or principal /agent relationship between ACC and the Vendor or any of its proprietors, officers, employees or subcontractors.'

3/ Given single source would imply, to a layman at least, an employer/employee relationship, is there another condition in any agreement/contract to not be as contradictory as the above (Where Colliers Olact history is concerned)

ACC is only required to provide official information that is held by the Corporation. ACC is of the view that questions 1, 2 and 3 as outlined above are not requests for official information and therefore ACC will not be responding to them under the terms of the Act.

4/ Please provide information previously declined under the now retracted disclosure, dated 25 March 2014 via FYI.org.nz.

As per ACC's letter of 25 March 2014, it is ACC's understanding that Dr Collier did not close his private practice in 2008. Instead he continued in his capacity as a registered psychiatrist engaged in private practice. As also stated in ACC's letter of 25 March 2014, while Dr Collier remained in private practice, he was only providing services to ACC and not the general public.

Despite ACC's clarification of this matter, its position regarding the disclosure of information regarding payments from ACC to Dr Collier remains. In its letter of 18 November 2010 ACC provided you with the earning details, in bands, for Dr Collier. The information for the years 2008-2010 for Dr Collier was withheld to protect his privacy. While Dr Collier did not close his private practice in 2008, he was only providing services to ACC and therefore ACC was his sole source of income. Accordingly, this information is withheld to protect an individual's privacy, and ACC's position on the application of the Act to this information remains.

5/ Please release publicly the information received to the Corporation by myself relating to, any Official Information Act inquiry, but excluding FYI.org.nz content and information sent via Ombudsmen's Office. To support the following allegation and unfairness to withhold information.

ACC does not consider this to be a request for official information and will not be dealing with this request under the terms of the Act. As the information you seek was provided by yourself, ACC is of the view that you will hold this information.

6/ Please provide information confirming Dr Collier has or has not been audited in the past fifteen years. And if no audit has been executed, why would the concerns raised via FYI or Media not warrant such a initiative.

ACC can confirm that Dr Collier has not been audited by ACC.

ACC is of the view that the second part of your request is not a request for information and therefore ACC will not be responding to it under the terms of the Act.

If you have any questions about the information provided, ACC will be happy to work with you to resolve these. You can direct any further communications to GovernmentServices@acc.co.nz.

You have the right to make a complaint to the Office of the Ombudsman. You can call them on 0800 802 602, 9am to 5pm weekdays, or write to:

The Office of the Ombudsman
P O Box 10 152
WELLINGTON 6143

Yours sincerely

Government Services Team

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